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May 25, 2018

VIA ECF

Hon. Michael A. Hammer
Martin Luther King Building & U.S. Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Re: *Housewares America, Inc. v. Evert Fresh Corp., et al.*
Civil Action Number: 15-cv-3764 (MCA)(MAH) (District of New Jersey)

Dear Magistrate Judge Hammer:

Pursuant to the Court's Order of May 18, 2018 (ECF Doc. #117), counsel for all parties in this action write this letter on a joint basis. We are pleased to advise the Court that the parties have reached an agreement on expert discovery, and we ask the Court to So Order same. The parties' agreement is as follows:

1. Plaintiff represents and agrees that with respect to its false advertising claims it will only seek to prove literal falsity. Based upon this representation, the parties agree not to rely upon any surveys or survey expert testimony;
2. Plaintiff intends to offer an economic expert and a scientific expert, and Defendants intend to offer an economic expert;
3. The initial reports for said experts shall be due on June 8, 2018;
4. Responsive reports shall be due on July 11, 2018; and
5. Depositions of experts to be completed by August 1, 2018.

Finally, as per the Court's suggestion in ECF Doc. #117, the parties respectfully request that the final pre-trial order and pre-trial conference be re-set to July 31 and August 7, 2018 respectively. In light of this agreement, the parties will not be appearing in Court on Tuesday unless ordered to do so by the Court.

We thank the Court in advance for consideration of these requests.

Respectfully submitted,

/s/ Scott Shaffer
Scott Shaffer

cc: Counsel of record (via ECF)